

MINUTES

PLANNING BOARD

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Special Meeting

March 26, 2014

The Special Meeting of the Planning Board was called to order at 7:45 PM by Michael Einbinder in the Public Meeting Room.

Mr. Einbinder confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 PM.

Oath of Public Officers – Newly appointed members

Mr. Lawrence Cunningham – Alt. #1 – 4-year term to end 12/31/2017

The oath of office was administered to Mr. Cunningham prior to the start of the meeting.

Roll Call:

Members present were Mr. Einbinder, Mr. Johnson, Mr. Niceforo, Mr. Monaco, Mr. Bocchino and Mr. Cunningham. Mr. Bruno, Mr. Graziano, Mr. Hall, Mr. Russo and Ms. Perna were absent. Mr. Cruz, Board Attorney, was also present

Adoption of Minutes:

Executive Session January 8, 2014

Special Meeting January 30, 2014

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to adopt the Minutes of the Executive Session of January 8, 2014. The voice vote was unanimous 6-0. A motion was made by Mr. Einbinder, seconded by Mr. Johnson, to adopt the Minutes of the Special Meeting of January 30, 2014 as presented. The voice vote was unanimous 6-0.

Presentation:

Mr. Einbinder stated that this is a report of the preliminary investigation prepared by Mr. Mistretta's firm, Harbor Consultants, dealing with whether or not there is sufficient criteria to warrant the consideration of a redevelopment of the municipal complex area.

The Board will either determine that criteria has been met or not and will advise the Township Council of its determination. The Board will not consider any issue regarding a potential land swap and will only consider whether or not there is adequate criteria to propose the redevelopment of the municipal complex.

Michael Mistretta was sworn, gave his professional background and education and was accepted as an expert witness.

Mr. Cruz advised that he has filed an affidavit of service, no written comments have been received by the Clerk with respect to the report and he believes the Planning Board has jurisdiction to hear this matter.

Mr. Mistretta presented Exhibits A – X – documents that support the findings in his report.

- A. Preliminary Investigation Report dated January 2014 which has been on file in the Planning Board Office since the first week of February
- B. Statement for basis of preliminary investigation
- C. Redevelopment site area map
- D. Council Resolution adopted 11/18/13 authorizing the Planning Board to move forward with the study
- E. Planning Board Resolution dated January 7, 2014
- F. Sections of the Berkeley Heights Land Use Ordinance
- G. Township of Berkeley Heights 1999 Master Plan
- H. Township of Berkeley Heights 2007 Master Plan
- I. Sections of New Jersey Development and Redevelopment Plan dated March 1, 2001
- J. Final draft of the New Jersey Development and Redevelopment Plan
- K. Township of Berkeley Heights downtown business district revitalization strategy

- L. Township of Berkeley Heights ordinance adopted by the Township Council on 12/7/10 pertaining to amendment to the Township checklist requirement for report on design standards
- M. Ordinance adopted by Township Council 12/7/10 pertaining to requirement for applicants to address green building requirements
- N. Township of Berkeley Heights ordinance pertaining to amendment to storm water control ordinance
- O. New Jersey storm water management rules
- P. Information on the Department of Community Affairs website that refers to redevelopment handbook
- Q. Handbook on redevelopment/guide to rebuilding New Jersey municipalities
- R. Aerial map of downtown Berkeley Heights area dated 2012
- S & T. Tax maps of the properties
- U. Part 19 of the Design Standards of the Berkeley Heights ordinance
- V. Filed map identified as 66A filed February 19, 1891 of the municipal property
- W. Filed map 205-C dated January 1905 of the municipal property
- X. Photographs of the property taken March 25, 2014.

Mr. Mistretta reviewed his report. He noted that the properties that are part of the municipal complex include four individual properties comprising a total of 9.4 acres. This includes the property where the municipal building, constructed in 1938, is located and the public works building constructed in 1949.

Mr. Mistretta reviewed the construction and use of the buildings on the municipal property and the configuration over the years of the municipal complex. He stated that the report includes a series of photographs that show the condition of the parking lots, trailers and the sheds that support the recreation building as well as the salt dome and the area that is being used for storage of abandoned vehicles. Between the four properties are two rights of way that have never been improved as streets. There are two private

residences that use the rights of way for access to Park Avenue. The study recognizes that these two residences use the right of way and those access-ways must be addressed or incorporated in any redevelopment plan if this project should move forward. The rail line runs across the northern portion of the study area and the entire site is located in the Open Land district.

Mr. Mistretta referred to the Master Plans of 1999 and 2007. He noted that during a series of Town Hall meetings there has been one overwhelming issue discussed and the number one goal is the revitalization of the downtown area and redevelopment of the aging and outdated municipal complex. The 2007 Master Plan encouraged the Township to explore relocating some of the municipal facilities and create a greater municipal presence in the downtown district. There have been discussions of the redevelopment and what to do with the municipal complex starting back in 1999.

Mr. Mistretta further stated that the property and documentation have been analyzed to make a determination if the criteria for redevelopment are satisfied and the conclusion has been reached that the property satisfies three specific criteria of the redevelopment plan - Criteria C, D and H. Criteria C specifies land that is owned by a municipality and creates undue hardship or detriment to the surrounding community. Criteria D includes areas with buildings or improvements which by reason of dilapidation, lack of functionality, or excessive land coverage are detrimental to the welfare of the community. Criteria H requires consistency with smart growth planning principles.

Mr. Mistretta discussed how the property meets the criteria for redevelopment including parking spaces that do not meet design criteria, lack of landscaping and buffering, overcrowding, the number of design waivers and variances that would be required for the existing conditions of the property, obsolete layout of the property, parking, lighting, drainage and sidewalks that do not meet the ordinance requirements, location of the salt dome and storage yard within walking distance to the commuter train station, and the goals of the Master Plan for revitalization. He stated that in his opinion as Township Planner the property meets Criteria C, D and H for redevelopment and the Planning Board should recommend to the Township Council consideration of a redevelopment of the municipal complex area.

Public Hearing and Public Comment:

Public hearing and public comment on the preliminary investigation presented by Harbor Consultants, Inc.

Open to the Public

The hearing was opened to the public for questions regarding Mr. Mistretta's testimony.

Carol Matula, 5 Hastings Road, Berkeley Heights questioned Mr. Mistretta with regard to his report and presentation.

In response to Ms. Matula's questions, Mr. Mistretta stated that he is responsible for providing evidence to support his report on the question of whether or not the municipal complex meets the criteria of the redevelopment law. He has not been authorized by the Township to take any steps as to what is being proposed. During the Master Plan discussions the aging municipal complex was discussed and it was concluded that the Township should consider redevelopment. There was no vision at that time as to specifics.

Mr. Cruz advised that this is a multi-phase process and the first phase is to determine that this is an area for redevelopment. The focus of this hearing is on whether the complex is in need of redevelopment and the question of how is not before the Board tonight. A redevelopment plan will be the next step in the process.

In response to further questions from Ms. Matula, Mr. Mistretta indicated the properties on Exhibit K that are owned by Berkeley Heights, those that are recommended for revitalization and those that are recommended for rehabilitation. He reviewed his conclusion that the deficiencies in the properties satisfy Criteria C, D and H.

Ms. Matula noted that in his report Mr. Mistretta discussed the inability to provide proper protection for judges and stated that she has been in a number of municipal courtrooms that are in older buildings and they seem to manage. She asked if the slate roof on the building and the mechanical systems can be fixed. Mr. Mistretta said he did not examine the roof and the mechanical systems could be fixed. With respect to ADA compliance, Mr. Mistretta stated that he did not look at sidewalks in other parts of town, only the municipal complex. In response to Ms. Matula's questions, he further stated that remediation of the traffic pattern around the municipal building would result in the loss of a substantial number of parking spaces. The commuter parking and the access to the two residences that utilize the rights of way would be addressed as part of a redevelopment plan. The abandoned vehicles could be cleaned up but a storage yard would be needed somewhere. He would not recommend the location of the salt dome within walking distance of train station. He looked at all of the properties together and individually and his finding is that all of the properties meet the criteria.

Ms. Matula commented that the Township rejected the proposal to build a community center which would have taken care of the recreation needs.

Connie Crawford, 77 Park Avenue, Berkeley Heights, asked how a redevelopment would affect the Berkeley Avenue right of way and the fact that the access to her property is on government property.

Mr. Mistretta stated that Ms. Crawford's property has been addressed in his report. He stated that he recommended in the report that any redevelopment plan would have to address her property as well as the other residential property.

Thomas Foregger, 14 Dorset Road, Berkeley Heights, asked who came up with the land swap idea mentioned in the 2007 Master Plan, if Mr. Mistretta has started preparing a development plan and if the final draft of the Development and Redevelopment Plan has been approved by the state.

Mr. Mistretta stated that he raised the idea as a general concept in 2007 because he used that approach in other municipalities and it has been successful. He has not been asked to prepare a redevelopment plan and has not started preparing one, and he is not aware of state approval of the Development and Redevelopment Plan.

Mr. Foregger stated that he thinks the study is important but we need to be certain that the conclusions are based on the evidence. Once the report is accepted and the Board finds the area is in need of redevelopment the Township Council will acquire immense power. For example, they will be able to issue bonds to pay for the project for an unlimited amount of money and no voter approval will be required.

Open to the Public

The hearing was opened to the public for comments regarding Mr. Mistretta's testimony.

Carol Matula, 5 Hastings Road, Berkeley Heights, was sworn and stated that while technically the blight determination stands by itself, the resolution permitting the Planning Board to determine if this property is in need of redevelopment is connected to the land swap.

Thomas Foregger, 14 Dorset Road, Berkeley Heights, was sworn and said he would suggest the Board members look at the redevelopment law. The cost could exceed \$15 million. He said he found the study as written difficult to follow and the specific criteria are not tied to each lot. He further stated that he questions some of the conclusions in the report and does not believe Criteria C, D and H have been met. He has read the New Jersey Development and Redevelopment Plan and it says we should fix things up and not move to another part of town. He urged the Board to reject this report and its recommendation.

Nelson Stauber, 125 Park Avenue, Berkeley Heights, was sworn and said he is the owner of the last property by Columbus Avenue. He is nervous about the road to be expanded through there and development of woods behind there. His concern is about development of the Columbus roadway and the land.

There were no other members of the public who wished to comment and the hearing was closed to the public.

Planning Board Discussion

Mr. Johnson stated that there are points that need to be evaluated but he would support moving to the next phase in this process.

Mr. Niceforo agreed and stated that the overall study that was presented contains enough evidence to satisfy the criteria to go forward to the next step. He said he takes the public comments very seriously and he is sure those concerns will be addressed in the future.

Mr. Cunningham stated that only one criteria needs to be satisfied. He is in favor of the determination that redevelopment is needed but only on the basis of Criteria D and H.

Mr. Bocchino agreed and noted that redevelopment is also consistent with the Master Plan.

Mr. Einbinder agreed with the other Board members and stated that it is clear that some of the municipal buildings and the parking area are not in great shape. The Board is not recommending that the redevelopment be done in any particular manner, but just determining that the criteria have been met.

Mr. Cruz read a draft resolution of approval.

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to declare that the municipal complex is an area in need of redevelopment utilizing the three Criteria C, D and H, giving various weights to the criteria, and that consistent with the testimony of Mr. Mistretta along with the public questions and comments a resolution be prepared and presented to the Board for adoption at the next meeting.

The Motion was carried 6-0 with Mr. Einbinder, Mr. Johnson, Mr. Niceforo, Mr. Monaco, Mr. Bocchino and Mr. Cunningham voting in favor. There were none opposed.

Adjournment:

A motion was made by Mr. Einbinder, seconded by Mr. Niceforo, to adjourn the meeting. The voice vote was unanimous and the meeting adjourned at 9:45 p.m.

Regina Giardina, Secretary Pro-Tem